

SOLAE, LLC,

VS.

Defendants.

JURY TRIAL DEMANDED

1117402.1

Non-Infringement

6. Solae denies the allegations contained in paragraph 55 of ADM's Answer.
7. Solae denies the allegations contained in paragraph 56 of ADM's Answer.
8. Solae denies the allegations contained in paragraph 57 of ADM's Answer.
9. Solae denies the allegations contained in paragraph 58 of ADM's Answer.

Counter-Claim

Declaratory Judgment

10. Solae admits the allegations contained in paragraph 59 of ADM's Answer.
11. Solae does not have sufficient information to admit or deny the allegations contained in paragraph 60 of ADM's Answer.
12. Solae admits that paragraph 61 of ADM's Answer purports to state a counterclaim for a declaratory judgment of invalidity, unenforceability and non-infringement of U.S. Patent No. 6,642,212 ("the '212 patent"); U.S. Patent No. 6,664,382 ("the '382 patent"); U.S. Patent No. 6,680,381 ("the '381 patent"); and U.S. Patent No. 6,706,292 ("the '292 patent") under the patent laws of the United States, Title 35 United States Code.
13. Solae admits the allegations contained in paragraph 62 of ADM's Answer.
14. Solae admits the allegations contained in paragraph 63 of ADM's Answer.
15. Solae admits the allegations contained in paragraph 64 of ADM's Answer.
16. Solae admits the allegations contained in paragraph 65 of ADM's Answer.

COUNT I - Invalidity of the '212 patent

17. Paragraph 66 of ADM's Answer realleges the allegations set forth in paragraphs 59-65 in ADM's Answer. In response, Solae realleges and incorporates by reference its responses to paragraphs 59-65 in ADM's Answer, as set forth in paragraphs 10-16 above.

18. Solae denies the allegations contained in paragraph 67 of ADM's Answer.

COUNT II - Invalidity of the '382 patent

19. Paragraph 68 of ADM's Answer realleges the allegations set forth in paragraphs 59-65 and 67 of ADM's Answer. In response, Solae realleges and incorporates by reference its responses to paragraphs 59-65 and 67 in ADM's Answer, as set forth in paragraphs 10-16 and 18 above.

20. Solae denies the allegations contained in paragraph 69 of ADM's Answer.

COUNT III - Invalidity of the '381 patent

21. Paragraph 70 of ADM's Answer realleges the allegations set forth in paragraphs 59-65, 67 and 69 of ADM's Answer. In response, Solae realleges and incorporates by reference its responses to paragraphs 59-65, 67 and 69 in ADM's Answer, as set forth in paragraphs 10-16, 18 and 20 above.

22. Solae denies the allegations contained in paragraph 71 of ADM's Answer.

COUNT IV - Invalidity of the '292 patent

23. Paragraph 72 of ADM's Answer realleges the allegations set forth in paragraphs 59-65, 67, 69 and 71 of ADM's Answer. In response, Solae realleges and incorporates by reference its responses to paragraphs 59-65, 67, 69 and 71 in ADM's Answer, as set forth in paragraphs 10-16, 18, 20 and 22 above.

24. Solae denies the allegations contained in paragraph 73 of ADM's Answer.

COUNT V - Non-Infringement of the '212 patent

25. Paragraph 74 of ADM's Answer realleges the allegations set forth in paragraphs 59-65, 67, 69, 71 and 73 of ADM's Answer. In response, Solae realleges and incorporates by reference its responses to paragraphs 59-65, 67, 69, 71 and 73 in ADM's Answer, as set forth in paragraphs 10-16, 18, 20, 22 and 24 above.

26. Solae denies the allegations contained in paragraph 75 of ADM's Answer.

COUNT VI - Non-Infringement of the '382 patent

27. Paragraph 76 of ADM's Answer realleges the allegations set forth in paragraphs 59-65, 67, 69, 71, 73 and 75 of ADM's Answer. In response, Solae realleges and incorporates by reference its responses to paragraphs 59-65, 67, 69, 71, 73 and 75 in ADM's Answer, as set forth in paragraphs 10-16, 18, 20, 22, 24 and 26 above.

28. Solae denies the allegations contained in paragraph 77 of ADM's Answer.

COUNT VII - Non-Infringement of the '381 patent

29. Paragraph 78 of ADM's Answer realleges the allegations set forth in paragraphs 59-65, 67, 69, 71, 73, 75 and 77 of ADM's Answer. In response, Solae realleges and incorporates by reference its responses to paragraphs 59-65, 67, 69, 71, 73, 75 and 77 in ADM's Answer, as set forth in paragraphs 10-16, 18, 20, 22, 24, 26 and 28 above.

30. Solae denies the allegations contained in paragraph 79 of ADM's Answer.

COUNT VIII - Non-Infringement of the '292 patent

31. Paragraph 80 of ADM's Answer realleges the allegations set forth in paragraphs 59-65, 67, 69, 71, 73, 75, 77 and 79 of ADM's Answer. In response, Solae realleges and incorporates by reference its responses to paragraphs 59-65, 67, 69, 71, 73, 75, 77 and 79 in ADM's Answer, as set forth in paragraphs 10-16, 18, 20, 22, 24, 26, 28 and 30 above.

32. Solae denies the allegations contained in paragraph 81 of ADM's Answer.

WHEREFORE, Plaintiff Solae requests judgment dismissing Defendant ADM's counterclaims in all respects, and for such other and further relief as the Court deems just and proper.

DEMAND FOR A JURY TRIAL

Plaintiff hereby demands trial by jury of all issues so triable in this action.

Respectfully Submitted,

LEWIS, RICE & FINGERSH, L.C.

Dated: June 1, 2004

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 1st day of June, 2004, a true and accurate copy of the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following persons:

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